

VZCZCXYZ0026
OO RUEHWEB

DE RUEHBJA #6823 2271318
ZNY CCCCC ZZH ZUI RUEWMC3225 2271312
O 151318Z AUG 06
FM AMEMBASSY BEIJING
TO RUEHC/SECSTATE WASHDC 0000
INFO CHINA POSTS COLLECTIVE
RUEHGV/USMISSION GENEVA
RUCNDT/USMISSION USUN NEW YORK

C O N F I D E N T I A L BEIJING 016823

SIPDIS

SIPDIS

DEPARTMENT FOR PRM, G AND EAP

E.O. 12958: DECL: AFTER KOREAN UNIFICATION

TAGS: [PREL](#) [PREF](#) [PHUM](#) [KN](#) [KS](#) [CH](#) [TH](#)
SUBJECT: A/S SAUERBREY'S AUGUST 10 MEETING WITH UNHCR
ACTING REGIONAL REPRESENTATIVE

CLASSIFIED BY: DCM DAVID S. SEDNEY. REASONS 1.4 (B/D).

11. (C) SUMMARY: VISITING PRM ASSISTANT SECRETARY ELLEN SAUERBREY MET AUGUST 10 WITH UNHCR ACTING REGIONAL REPRESENTATIVE CHOOSIN NGAOTHEPPITAK TO DISCUSS NORTH KOREANS IN CHINA AND OTHER REFUGEE ISSUES. REVIEWING EFFORTS TO PUSH THE PRC TO LIVE UP TO ITS INTERNATIONAL OBLIGATIONS AND COOPERATE WITH UNHCR TO ASSIST NORTH KOREANS IN CHINA, A/S SAUERBREY STRESSED OUR COMMITMENT TO SUPPORTING UNCHR'S EFFORTS. CHOOSIN SAID THAT UNCHR IS CURRENTLY HOUSING 15 NORTH KOREAN ASYLUM-SEEKERS, BUT THAT THE PRC IS VERY SLOW TO PROCESS SUCH CASES IN ORDER TO TRY TO LIMIT THE ATTRACTIVENESS OF GOING TO UNCHR. END SUMMARY.

12. (C) PRM ASSISTANT SECRETARY ELLEN SAUERBREY, ACCOMPANIED BY SENIOR ADVISOR CHARLOTTE PONTICELLI, MET AUGUST 10 WITH UNHCR ACTING REGIONAL REPRESENTATIVE CHOOSIN NGAOTHEPPITAK TO DISCUSS NORTH KOREANS IN CHINA AND OTHER REFUGEE ISSUES. CHOOSIN SAID UNHCR CURRENTLY IS HOUSING FIFTEEN NORTH KOREAN ASYLUM-SEEKERS IN TWO APARTMENTS IN BEIJING. A SIXTEENTH NORTH KOREAN, A 16-YEAR-OLD GIRL, HAS LEFT UNHCR CUSTODY (AND HER MOTHER) TO GO VISIT HER BOYFRIEND IN SHENYANG. UNHCR CAN CURRENTLY ACCOMMODATE PERHAPS AS MANY AS 20 IN ITS TWO APARTMENTS. THE LONGEST WAIT IN UNHCR CUSTODY IS CURRENTLY FOUR MONTHS, THOUGH CHOOSIN SAID UNHCR BELIEVES THAT THE CHINESE MINISTRY OF PUBLIC SECURITY (MPS) IS FORCING PROLONGED DELAYS TO MAKE GOING TO UNHCR LESS ATTRACTIVE FOR THE NGOS AND BROKERS THAT WORK WITH NORTH KOREANS. HE EXPECTS THAT THE NORTH KOREANS IN UNHCR CUSTODY MAY HAVE TO WAIT FOR UP TO ONE YEAR FOR CASE RESOLUTION. IN ONE CASE, THE MFA AGREED TO PERMIT THE DEPARTURE OF AN UNACCOMPANIED MINOR TO JOIN HER MOTHER IN SOUTH KOREA "TWO MONTHS AGO," BUT THE MPS HAS YET TO CONDUCT THE INTERVIEW IT REQUIRES BEFORE ACTUALLY ALLOWING DEPARTURE FROM CHINA.

SAUERBREY: BEIJING MUST ABIDE BY OBLIGATIONS

13. (C) REVIEWING DISCUSSION WITH THE PRC ON NORTH KOREANS AT THE GLOBAL ISSUES FORUM (GIF), A/S SAUERBREY SAID SHE AND U/S DOBRIANSKY INSIST BEIJING MUST LIVE UP TO ITS OBLIGATIONS UNDER THE REFUGEE CONVENTION AND ITS 1967 PROTOCOL. THEY URGED CHINA TO ALLOW UNHCR TO PERFORM ITS MANDATED FUNCTION OF PROTECTING REFUGEES AND DETERMINING WHO IS A REFUGEE AND WHO IS AN ECONOMIC MIGRANT, STRESSING THAT THIS WOULD ALSO BE HELPFUL TO THE PRC.

UNHCR: PRC CONTINUES TO STONEWALL

14. (C) CHOOSIN HIGHLIGHTED THAT UNHCR CONTINUES TO BE DENIED

ACCESS TO THE BORDER AREA NEXT TO THE DPRK AS WELL AS TO INDIVIDUALS. DURING HIS MARCH VISIT, UNHCR HIGH COMMISSIONER GUTERRES URGED CHINA TO STOP DEPORTATIONS OF NORTH KOREANS, CREATE A "HUMANITARIAN SPACE" IN NORTHEAST CHINA FOR NORTH KOREANS AND ALLOW UNHCR ACCESS TO INDIVIDUALS SEEKING PROTECTION. NOTING THAT THE PRC WAS NOT RECEPTIVE, CHOOSIN SAID THAT UNHCR WILL NEED A GREAT DEAL OF INTERNATIONAL SUPPORT TO GET BEIJING TO CHANGE ITS POLICY. A/S SAUERBREY EXPRESSED STRONG U.S. SUPPORT FOR HIGH COMMISSIONER GUTERRES' POSITION, SAYING THAT WE ANTICIPATE THAT MORE NORTH KOREANS WILL SEEK ASYLUM AND THAT WE WILL REFER THOSE WHO APPROACH US TO UNHCR, AS IS OUR POLICY.

NORTH KOREANS WHO APPROACH UNHCR

5.(C) IN RESPONSE TO A/S SAUERBREYS QUESTION, CHOOSIN SAID THAT MOST NORTH KOREANS WHO APPROACH UNHCR ARE REFERRED BY NGOS, WHILE SOME ARE REFERRED BY THE U.S. EMBASSY. HE NOTED THAT WHEREAS IN THE PAST, THE PRC ONLY ALLOWED UNHCR TO INVOLVE ITSELF IN CASES WHERE NORTH KOREANS ENTERED UNHCR PREMISES, IN THE LAST YEAR, THE PRC STARTED PERMITTING UNHCR TO ASSERT PROTECTION OVER NORTH KOREANS WHO MADE CONTACT FROM BEIJING AND EVEN OTHER PARTS OF CHINA. ASKED ABOUT THE NUMBERS OF NORTH KOREANS WHO MIGHT WANT TO SEEK UNHCR ASSISTANCE, CHOOSIN SAID THAT THEY WOULD BE QUITE LARGE PROVIDED THE PRC AGREES. HE NOTED THAT UNHCR HAS RECEIVED MORE APPROACHES SINCE WORD SPREAD THAT SOME NORTH KOREAN REFUGEES HAD GONE TO THE UNITED STATES. ASKED ABOUT HOW MANY MIGHT WANT TO GO TO THE UNITED STATES COMPARED TO THE ROK, CHOOSIN SAID THAT MANY OF THE NORTH KOREANS SEEKING ASYLUM ALREADY HAVE RELATIVES IN SOUTH KOREA. HOWEVER, THE PERCEPTION THAT GOING TO THE UNITED STATES WAS POSSIBLE AND MIGHT BE FASTER THAN GOING TO THE ROK WOULD ATTRACT MANY NORTH KOREANS.

"PERSONS OF CONCERN" VICE REFUGEES

16. (C) IN RESPONSE TO A/S SAUERBREY'S QUESTION ABOUT HOW UNHCR DETERMINES REFUGEE STATUS FOR NORTH KOREANS, CHOOSIN SAID THAT UNHCR DOES NOT DO A FORMAL REFUGEE STATUS DETERMINATION. IN ADDITION TO THE PRC'S REFUSAL TO PERMIT DEPARTURE OF NORTH KOREANS IDENTIFIED AS REFUGEES, CHOOSIN SAID THAT UNHCR FOLLOWS THE HIGH COMMISSIONER'S GUIDELINE THAT NORTH KOREANS IN CHINA ARE ALL "OF CONCERN TO UNHCR." BECAUSE OF THE POSSIBILITY OF VERY SEVERE PUNISHMENTS IF FORCIBLY RETURNED TO THE DPRK, UNHCR BELIEVES ALL NORTH KOREANS IN CHINA ARE POTENTIAL PROTECTION CASES, REGARDLESS OF WHETHER OR NOT THEY ENTERED AS ECONOMIC MIGRANTS. IN RESPONSE TO SPECIAL ADVISOR PONTICELLI'S QUESTION ABOUT THE STATUS OF NORTH KOREANS WHO MOVE BACK AND FORTH TO CONDUCT TRADING ACTIVITIES, CHOOSIN SAID THAT UNHCR'S VIEW IS THAT THE KEY FACTOR IS WHETHER NORTH KOREANS RETURN TO THE DPRK ON THEIR OWN OR ARE FORCIBLY HANDED OVER TO PYONGYANG'S SECURITY FORCES. IF THE LATTER, UNHCR BELIEVES THE POSSIBILITY OF SEVERE PUNISHMENT CREATES PROTECTION CASES.

PRC/UNHCR LEGAL DISCUSSIONS?

17. (C) A/S SAUERBREY ASKED ABOUT THE STATUS OF THE AGREEMENT BETWEEN HIGH COMMISSIONER GUTERRES AND CHINESE OFFICIALS TO HOLD DISCUSSIONS ON RESOLVING CONTRADICTIONS BETWEEN NATIONAL SOVEREIGNTY AND THE OBLIGATIONS UNDER THE REFUGEE CONVENTION AND ITS 1967 PROTOCOL. CHOOSIN SAID THAT AFM CUI TIANKAI HAD AGREED TO LEAD A PRC TEAM TO HOLD TALKS IN GENEVA ON HIS WAY TO THE INAUGURAL MEETING OF THE HUMAN RIGHTS COUNCIL. HOWEVER, OTHER OBLIGATIONS HAD FORCED CUI TO BE REPLACED BY ANOTHER DELEGATION HEAD WHO WAS NOT FAMILIAR WITH THE ISSUE. UNHCR HAS BEEN UNABLE TO FIND A SUBSEQUENT TIME CONVENIENT FOR CUI, ACCORDING TO CHOOSIN.

ROK ADMISSION POLICY

18. (C) IN RESPONSE TO A/S SAUERBREY'S QUESTION, CHOOSIN SAID

THAT THE ROK WILL NOT ACCEPT NORTH KOREANS WHO EXPRESS A DESIRE TO GO TO A COUNTRY OTHER THAN SOUTH KOREA. HOWEVER, IF THEY ARE FOUND INELIGIBLE FOR REFUGEE STATUS BY OTHER COUNTRIES, CHOOSIN SAID THE ROK HAS EXPRESSED WILLINGNESS TO ALLOW THE NORTH KOREANS TO "CHANGE THEIR MINDS" AND STATE A DESIRE TO RESETTLE IN SOUTH KOREA.

OTHER REFUGEES

19. (C) REVIEWING OTHER UNHCR ISSUES IN CHINA, CHOOSIN SAID THAT THIRD COUNTRY OR "URBAN" REFUGEES ARE A MAJOR FOCUS. THERE ARE CURRENTLY APPROXIMATELY 300 FOREIGNERS IN CHINA WHO HAVE APPROACHED UNHCR, MAINLY FROM AFRICAN COUNTRIES, PAKISTAN AND SRI LANKA. UNHCR HAS DETERMINED ABOUT 150 TO BE REFUGEES AND IS REVIEWING THE CASES OF THE OTHER 150, ACCORDING TO CHOOSIN, WHO CHARACTERIZED THE PRC AS BEING COOPERATIVE ON THESE CASES. UNFORTUNATELY, THIS COOPERATION IS LIMITED ONLY TO ALLOWING THEM TO STAY IN CHINA AND TO DEPART ONCE THEY HAVE BEEN OFFERED RESETTLEMENT. THE PRC DOES NOT ALLOW THIRD-COUNTRY REFUGEES OR THOSE WHOSE CASES ARE PENDING TO WORK OR HAVE ANY KIND OF LEGAL STATUS THAT WOULD PERMIT THEM TO GET MARRIED OR GO TO SCHOOL. CHOOSIN SAID THAT UNHCR HAS REFERRED MANY SUCH CASES TO THE UNITED STATES FOR RESETTLEMENT.

10. (U) A/S SAUERBREY CLEARED THIS CABLE.
RANDT